

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
JUNE 10, 2010**

Mayor Hagner called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:33 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 8, 2010; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2010; and notice was filed with the Township Clerk on January 8, 2010.

Mayor Hagner led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, Deputy Mayor Tubbs and Mayor Hagner. Committeeman Brower was absent.

Approval of Agenda

Mayor Hagner indicated that instead of having steep slopes as a discussion item, an update would be given during reports. Committeeman O'Connor moved to approve the agenda as amended. Committeeman Gallop seconded the motion, and it carried unanimously.

Reports

Committeeman Gallop reported that the spring sports are wrapping up, and registration has begun for fall sports. Committeeman Gallop also reported that the Joint Recreation Committee discussed a presentation that had been made to the Chatham Borough Council about banning smoking on public land. The Recreation Committee has requested that the Township Committee also consider enacting such an ordinance. Committeeman O'Connor said that the Environmental Commission wants to coordinate a project with the School District of the Chathams to place a compost unit at Chatham High School. Deputy Mayor Tubbs reported that the Board of Health meeting was postponed due to the Primary Election. Mayor Hagner reported that a meeting was held with Madison to discuss having a joint municipal court, and a formal proposal will hopefully be available soon. Regarding the televising of Township Committee meetings, Mayor Hagner reported that the first two phases have been completed. The third phase will be the purchase of some video and editing equipment so as to televise additional Township events. Administrator Ciccarone said that such equipment can be paid for with money received as part of a grant. Mayor Hagner added that a meeting will be held with Comcast to discuss live broadcasts of Township Committee meetings. Administrator Ciccarone reported on Colony Pool memberships, and said that at this point in the season revenues have increased over what had been brought in at the same point last year. Attorney Woodward reported on his discussions with the DEP regarding steep slope ordinances. Copies of the current ordinances were sent to the DEP for review, and the DEP has still requested that the regulations be amended to match their model ordinance. Engineer Ruschke reported that the Lafayette Avenue Improvements project, Micro-Surfacing project, and Electrical Upgrades project have all gone out to bid. Regarding Shunpike Field, Engineer Ruschke said that the contractor has identified an additional source of fill. For the Motto Property, the DEP has stated that a No Further Action letter has been issued. Mayor Hagner reported that a revised plan was drawn for the Shunpike/Loantaka intersection, and the County is seeking final approval from Madison.

Public Hearing/Final Adoption of Ordinances

Ordinance 2010-07

ORDINANCE 2010-07

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30 (ZONING) OF**

THE MUNICIPAL CODE AS RESPECTS OUTDOOR LIGHTING

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Chapter 30, Land Development, §30-96.22, *Outdoor Lighting*, is hereby amended to read as follows:

30-96.22a. Except as to sports and recreational lighting regulated in Section 30-96.22b, all outdoor lighting in connection with any use shall be shielded so that the direct source of the illumination is not visible from any street or any adjoining property, provided that this provision shall not apply to incandescent or fluorescent, decorative outdoor lighting fixtures of one hundred sixty (160) watts or less in residential districts. Floodlights and spotlights in excess of one hundred (100) watts per bulb shall be shielded.

30-96.22b(1) Regulation of recreational/sports facility lighting for fields is necessary to prevent the cause of unnecessary skyglow, to prevent light trespass and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent residential neighborhoods from unnecessary lighting impacts.

(2) Where used for sports or recreational fields, all lighting fixtures shall comply with the following:

- (a) The maximum height of any recreational or sports lighting structure shall be 85 feet.
 - (b) The minimum distance of the pole to any property line shall be 40 feet from any private property line.
 - (c) Trespass lighting shall not be more than 0.1 foot-candle at any adjacent residential property line at grade.
 - (d) The current natural landscape buffer shall be maintained to the greatest extent possible to allow for maximum screening.
 - (e) No sports or recreational activity shall continue beyond 10:00 pm and all sports and recreational lighting shall be turned off not later than 10:30 pm.
2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.
 3. This ordinance shall take effect after passage and publication as soon as practicable and in the manner provided by law.
 4. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Mayor Hagner opened the Public Hearing on Ordinance 2010-07.

1. Rob Simon, attorney representing Cougar Field Neighborhood Preservation Association, introduced Mr. Peter Steck, and Mr. Robert Newell, an expert in lighting.
2. Peter Steck, an expert in public planning, said that Ordinance 2010-07 appears to apply only to Cougar Field. He also stated that the lighting of fields leads to greater usage of the field, which will have an impact on the neighborhood. Mr. Steck also said that this ordinance also appears to have the ownership of a property, rather than the use of a property, as the critical difference. Furthermore, he does not think that the ordinance would advance the public welfare.
3. Robert Newell of Robert Newell Lighting Design, who drafted the proposed Madison lighting ordinance, said that he felt that Ordinance 2010-07 lacks certain standards regarding light levels for various sports activities. He also said that the ordinance lacks any reference to where light should be aimed, and he questioned the setback requirements. Mr. Newell also does not think that the setback requirement will be sufficient to prevent glare on neighboring properties.
4. Jocelyn Colquhoun, Madison Borough resident, said that she is concerned that lighting at Cougar Field will have a drastic effect on the neighborhood. She does not think that 40 feet is enough of a setback.
5. Joe Mezzacca, attorney representing the Borough of Madison, provided the Township Committee with a chart comparing the current Madison lighting ordinance, the proposed Madison lighting ordinance, and the proposed Chatham Township lighting ordinance. He

also suggested that the Township Committee consider modifying the proposed lighting ordinance to be more along the lines of the proposed Madison ordinance.

- 6. Carol Preston, Madison Borough resident, opined that this ordinance is an attempt by the Boosters and the Board of Education to circumvent a judicial order that any proposal for the lighting of Cougar field would need to be approved by the land use boards of Chatham Township, Chatham Borough and Madison Borough. Furthermore, Mrs. Preston feels that the glare from the lights would be an intrusion on the neighboring properties.
- 7. Diane Driscoll, Madison Borough resident, said that Cougar Field lighting would cause the residents of that neighborhood to be subjected to light and noise until late in the evening.

Seeing no further comment, Mayor Hagner closed the Public Hearing.

Attorney Woodward suggested that the paragraph which references the Board of Education and the Township owned properties could be deleted. The amended ordinance would be sent to the Planning Board for review.

Committeeman Gallop moved to amend Ordinance 2010-07. Deputy Mayor Tubbs seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Public Hearing on Ordinance 2010-07 will be scheduled for June 24, 2010.

Ordinance 2010-08

ORDINANCE 2010-08
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30 (ZONING) OF
THE MUNICIPAL CODE AS RESPECTS LENGTH OF DRIVEWAYS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

- 1. Chapter 30, Land Development, §30-96.19, *Garages, Carports and Driveways for One (1) – Family Residences*, is hereby amended at §30-96.19a to read as follows:

30-96.19. Garages, Carports and Driveways for One (1)-Family Residences.

- a. A garage or carport and driveway shall be constructed for each one (1)-family residence, and such garage or carport shall be connected by a driveway to the abutting street. The garage or carport and driveway shall be located on the same lot as the principal use to which the garage or carport and driveway are accessory. No required garage or carport space shall be converted to another use unless a new garage or carport space is provided. The grade of any driveway shall not exceed fifteen (15%) percent. Not more than one (1) commercial vehicle of a rated capacity not exceeding three-fourths (3/4) ton owned or used by a resident of the premises may be garaged on the premises. In the R-3 Residence District only, no driveway shall extend deeper than one hundred fifty (150) feet from the street right-of-way line as measured to a point one hundred fifty (150) feet from and perpendicular to the street right-of-way line.
- 2. All other provisions of §30-96.19 shall remain unchanged.
- 3. This ordinance shall take effect in accordance with applicable law.

Mayor Hagner opened the Public Hearing on Ordinance 2010-08.
Seeing none, Mayor Hagner closed the Public Hearing.

Committeeman O’Connor moved to adopt Ordinance 2010-08. Deputy Mayor Tubbs seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Ordinance 2010-09

ORDINANCE 2010-09
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30 (ZONING) OF
THE MUNICIPAL CODE AS RESPECTS PROJECTION INTO REQUIRED YARDS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Chapter 30, Land Development, §30-6, *Definitions* is hereby amended to add the definition of “portico” as follows:

Portico shall mean a porch or walkway with a roof supported by columns, often leading to the entrance of a building.

2. Chapter 30, Land Development, §30-96.14, *Yards*, is hereby amended at §30-96.14e, *Projections into Required Yards*, to read as follows:

e. *Projections into Required Yards*. Notwithstanding any other provision of this section, the following may project into any front, side or rear yard required in the various zones: chimneys; and portions of a building including but not limited to eaves, bay windows, oriels, balconies, overhangs and coverings over steps, provided that no such portion of a building shall project more than three (3) feet into any required front, side or rear yard. Porticos and uncovered landings or entryways may project into the front yard not more than six (6) feet, and providing further that the portico or uncovered landing does not exceed fifty-four (54) square feet in lot coverage within the front yard setback except in the R-4 Residential District wherein such projection may not exceed five (5) feet, and providing further that the portico or uncovered landing does not exceed forty five (45) square feet in lot coverage within the front yard setback.

3. All other provisions of §30-96.14 shall remain unchanged.

4. This ordinance shall take effect in accordance with applicable law.

Mayor Hagner opened the Public Hearing on Ordinance 2010-09.

Seeing none, Mayor Hagner closed the Public Hearing.

Committeeman O’Connor moved to adopt Ordinance 2010-09. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Ordinance 2010-10

ORDINANCE 2010-10
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE
TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF \$710,000 THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$674,500 BONDS OR NOTES OF THE TOWNSHIP FOR
FINANCING PART OF THE COSTS THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Chatham, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$710,000, including the aggregate sum of \$35,500 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$674,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows, and are more particularly described in the plans and specifications on file with the Township, which plans and specifications are hereby approved, including all work, materials and all else necessary therefor and incidental thereto:

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Purchase of DPW Equipment	\$160,000	\$152,000	5
2.	Road Improvements	300,000	285,000	15
3.	Building Improvements	50,000	47,500	15
4.	Acquisition of Fire Equipment	50,000	47,500	10
5.	Colony Pool Improvements	150,000	142,500	15
TOTAL		\$710,000	\$674,500	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the Township of Chatham is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grants received by the Township for any purpose set forth in Section 3 hereof are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 12.39 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$674,500. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Hagner opened the Public Hearing on Ordinance 2010-10.
Seeing none, Mayor Hagner closed the Public Hearing.

Deputy Mayor Tubbs moved to adopt Ordinance 2010-10. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Consent Agenda

RESOLUTION 2010-119

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES**

BE IT RESOLVED that bills in the total amount of \$593,355.66 and the prior month's payroll of \$454,688.34 Current Fund, \$44,213.94 Sewer No. 1, \$8,369.74 Sewer No. 2, and \$7,101.72 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of June 2010, in the amount of \$2,330,138.84 be paid.

RESOLUTION 2010-120

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on May 27, 2010.

RESOLUTION 2010-121

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC
BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR
BEGINNING JULY 1, 2010**

WHEREAS, applications for the renewal of Alcoholic Beverage Licenses in the Township of Chatham for the fiscal year beginning July 1, 2010 have been made by Charlie Brown's of Chatham, Inc., Fairmount Country Club and N and M Chatham Inc.;

WHEREAS, the applicants have complied with all the requirements of "An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages", known as the "Alcoholic Beverage Act and Amendments and Supplements thereto", as well as the Ordinance of the Township of Chatham entitled "An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages", as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver a plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2010, as follows:

To N and M Chatham Inc., trading as the Hickory Wine Cellar, for premises situated at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-007).

BE IT FURTHER RESOLVED that the Township Clerk be and hereby is authorized and directed to issue and deliver plenary retail consumption licenses for the fiscal year beginning July 1, 2010, as follows:

To Charlie Brown's of Chatham, Inc., for premises situated at 522 Southern Boulevard, Chatham Township, New Jersey (Lic. No. 1405-33-002-008).

To Fairmount Country Club, Inc., a private club for members only, for premises situated at 400 Southern Boulevard, Chatham Township, New Jersey (Lic. No 1405-33-001-002).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

RESOLUTION 2010-122

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING FIREWORKS FOR NOE POND CLUB**

WHEREAS, state regulations require municipal governing body approval for the use of fireworks displays; and

WHEREAS, the Township has received an application to conduct a fireworks display by the Noe Pond Club on July 17, 2010, with a rain date of July 18, 2010, to take place at the Noe Pond Club on Southern Boulevard, Chatham, New Jersey; and

WHEREAS, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby approves the Noe Pond Club Fireworks Application contingent upon the payment

of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

RESOLUTION 2010-123
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REFUNDING CONSTRUCTION PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Office Manager with regard to the fee that was paid for a construction permit;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Mr. & Mrs. Arbes 12 Runnymede Road Chatham, NJ 07928	10-0185	\$140.00

RESOLUTION 2010-124
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING RAFFLES FOR GREEN VILLAGE FIRE DEPARTMENT INC

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by the Green Village Fire Department Inc. on December 21, 2010, at the Green Village Firehouse, Chatham Township, are hereby approved.

RESOLUTION 2010-125
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW
JERSEY REDUCING THE PERFORMANCE GUARANTY FOR ST. HUBERT'S ANIMAL
WELFARE CENTER, BLOCK 142, LOT 4.01

WHEREAS, the Planning Board has granted preliminary and final site plan approval for a project at St. Hubert's Animal Welfare Center, Block 142, Lot 4.01 (the subject property); and

WHEREAS, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

WHEREAS, as set forth by the Township Engineer, John Ruschke, P.E., in his report dated June 1, 2010, the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$345,219.69, which covers the remaining work described by the engineer's report;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the report of John Ruschke, P.E., dated March 31, 2010, to the amount of \$345,219.69, in the following manner: bond will be reduced to \$230,199.28 and cash will remain at \$115,020.41 and that release of the performance guaranty in excess of that amount is hereby authorized, and further provided that no relief granted herein shall be construed to relieve the developer from the obligation, once all work is completed and accepted, to post a maintenance guaranty in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer.

RESOLUTION 2010-126
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF
TAXES

WHEREAS, due to inadvertence, error, tax appeal settlement or judgement, an overpayment of property taxes has been made for the following property; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
80	3	Wells Fargo Home Mortgage MACX2302-04D 1 Home Campus Des Moines, IA 50328 Re: 173 Lafayette Avenue	\$ 2,374.29

RESOLUTION 2010-127
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE
COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX LIEN

WHEREAS, due to payment by property owner of the lien amount, an overpayment of property taxes now exists; and

WHEREAS, the Tax Collector has recommended the refund of such tax lien;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>Lien Holder</u>	<u>Amount</u>
139	13	Park Finance LLC P.O. Box 109 Cedar Knolls Property Address: Loantaka Lane South Certificate #00702	\$624.09
139		Park Finance LLC P.O. Box 109 Cedar Knolls Property Address: Loantaka Lane South Certificate #00903	\$383.01
139	14	Riker, William W. & Anna M. 13 Overlook Road Chatham, NJ 07928 Property Address: Loantaka Lane South Certificate #00703	\$1,136.95
139	18.03	Northern Residential Solutions, Inc. 8 North Street Summit, NJ 07901 Property Address: Loantaka Way Certificate #00705	\$2,262.07
139	18.04	Riker, William W. & Anna M. 13 Overlook Road Chatham, NJ 07928 Property Address: Loantaka Way Certificate #00706	\$1,482.15

RESOLUTION 2010-128
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING A PROPOSAL FOR
ENGINEERING SERVICES BY HATCH MOTT MACDONALD

WHEREAS, the Township entered into an Administrative Consent Order (ACO) with the New Jersey Department of Environmental Protection; and

WHEREAS, a proposal has been submitted to the Township by Hatch Mott MacDonald to continue undertaking the engineering services during Phase IV of the TDS-ACO Compliance Project; and

WHEREAS, Hatch Mott MacDonald's proposal includes a proposal by HydroQual for the performance of services in connection with relocation of the Tanglewood Plant Discharge from a tributary of Black Brook to the main stem of the Passaic River; and

WHEREAS, the proposal from HydroQual includes work to be performed by Najarian Associates;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham that the proposal by Hatch Mott MacDonald is hereby approved;

BE IT FURTHER RESOLVED that \$30,000 be authorized for Phase IV, and that this amount not be exceeded without prior approval from the Township Committee;

BE IT FURTHER RESOLVED that \$25,000 be authorized to retain Najarian Associates.

RESOLUTION 2010-129
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING AND APPROVING THE
RESOLUTION OF THE PLANNING BOARD RECOMMENDING THAT THE ROLLING
KNOLLS LANDFILL, ALSO KNOWN AS BLOCK 48.20, LOTS 184 AND 189, BE DECLARED

AN AREA IN NEED OF REDEVELOPMENT AS DEFINED IN CHAPTER 79 OF THE LAWS OF 1992 OF NEW JERSEY, N.J.S.A. 40A:12-1 ET SEQ., AS AMENDED.

WHEREAS, the Township Committee of the Township of Chatham by Resolution 2009-189, dated September 21, 2009, referred to the Planning Board the matter of the Rolling Knolls Landfill, also known as Block 48.20, Lots 184 and 189, to be investigated to determine whether this area is or is not an area in need of redevelopment as defined in N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the Planning Board duly conducted an investigation and held public hearings on the referral from the Township Committee, and its findings and conclusions, which recommend that the Rolling Knolls Landfill should be declared an area in need of redevelopment, have been formalized in a Resolution of the Planning Board dated May 3, 2010 (a copy of which is attached hereto);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, as follows:

1. The findings and conclusions of the Planning Board of the Township of Chatham in its resolution dated May 3, 2010, be and hereby are accepted by the Township Committee, and the Township Committee hereby declares and determines that the Rolling Knolls Landfill, also known as Block 48.20, Lots 184 and 189, is an area in need of redevelopment as defined in Chapter 79 of the Laws of 1992 of New Jersey, N.J.S.A. 40A:12-1 et seq., as amended.

2. This resolution shall take effect immediately.

RESOLUTION 2010-130

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2010 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$17,717.63 from the State of New Jersey Clean Communities Program and wishes to amend its 2010 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$17,717.63 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$17,717.63 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2010-131

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Rolling Hill Vistas or Caplan Builders 466 Southern Boulevard Chatham, NJ 07928 Re: PL BD 01-35-8	7200038784	\$194.30

RESOLUTION 2010-132

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING PAYMENT TO DEE-EN ELECTRICAL CONTRACTING, INC.**

WHEREAS, Dee-En Electrical Contracting, Inc. has submitted an application for partial payment of the contracted amount for the Northside Lift Station & Chatham Heights Lift Station Project; and

WHEREAS, the Township Engineer has reviewed the application and has recommended that said payment be made;

NOW, THEREFORE, BE IT RESOLVED that \$66,421.72 be paid to Dee-En Electrical Contracting, Inc.

**RESOLUTION 2010-133
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING RAFFLES FOR PTO OF THE CHATHAMS, INC.**

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by PTO of the Chathams, Inc. on October 8, 2010 at Southern Boulevard School, 192 Southern Boulevard, Chatham Township, are hereby approved.

Committeeman O'Connor asked about the proposal from HydroQual, and if a final cost figure is available. Engineer Ruschke said that the \$30,000 budget would address the tasks that need to be performed. Deputy Mayor Tubbs said that Najarian Associates would be retained as part of that proposal because there is specialized work to be done, and Administrator Ciccarone added that they own the proprietary software that needs to be used.

Committeeman Gallop moved to approve the Consent Agenda. Deputy Mayor Tubbs seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye (Abstain on Resolution 2010-129).

Discussion

Lafayette Avenue Tree Removal

Mayor Hagner said that she circulated a memo in which the arborist had recommended that over 50 trees on Lafayette Avenue be removed as part of the upcoming paving/sidewalk repair project. She walked the site with Committeeman O'Connor and Engineer Ruschke, and their assessment reduced the number of trees to be removed to only 15. The trees to be removed are also in poor condition. Committeeman Gallop suggested that any replacement trees should be the same type of tree as removed.

Mayor Hagner opened a Public Hearing on this topic.

1. Janice Coviello, Spring Street resident, thanked Mayor Hagner and Committeeman O'Connor for taking the time to walk Lafayette Avenue. She also asked when the trees to be removed would be marked as such. Engineer Ruschke said that he planned to do so soon. Mrs. Coviello also asked if the Belgian block curbing would be replaced during paving. Engineer Ruschke said that the Belgian block would not be replaced except in certain locations where there are crosswalks.
2. John Plant, Deer Road resident, asked if there were plans to replace the removed trees. Mayor Hagner said that some of them will be replaced, but there are not currently plans to replace the remainder of the trees. Mr. Plant also asked what happens to the wood after the trees are taken down. Engineer Ruschke said that the contractor would be responsible for removing the wood.

Seeing no further comment, Mayor Hagner closed the Public Hearing.

As the bid opening for the Lafayette Avenue Improvements project will be held on June 22, 2010, Administrator Ciccarone said that the awarding of the contract will likely occur at the next Township Committee meeting.

Sustainable Jersey Grant

RESOLUTION 2010-134 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ENDORSING SUPPORT, AND AUTHORIZING SUBMISSION, OF CHATHAM TOWNSHIP'S APPLICATION FOR THE \$25,000.00 SUSTAINABLE JERSEY GRANT

WHEREAS, the Township Committee of the Township of Chatham has passed Resolution 2009-075, which supports participation in the Sustainable Jersey Municipal Certification Program; and

WHEREAS, the Township Committee of the Township of Chatham has passed many other Resolutions pertaining to the Municipality's support of its sustainable and environmental efforts, such as § Resolution 2006-214: Supporting Mayors' Climate Protection Agreement; § Resolution 2009-075: Chatham Township's Participation in the Sustainable Jersey Program; § Resolution 2009-150: Supporting Sustainable Land Use; § Resolution 2009-214: Establishment of Chatham Township's Sustainable Jersey Green Team;" § Resolution 2007-195: Reducing Vehicular Idling; and etc.: and

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township Committee of the Township of Chatham strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township Committee of the Township of Chatham is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants, funded by Wal-Mart;

THEREFORE, the Township Committee of the Township of Chatham has determined that the Township of Chatham should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, authorizes the submission of the aforementioned Grant and that we do hereby authorize the Chatham Township Green Team to timely submit the complete Application, Proposal, Resolution, and the "Grantee's Certification and Declaration" as per the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

Kathy Abbott from the Environmental Commission gave a presentation about a plan to supply the Chatham High School with a composter for food waste. The composter would be purchased with funds from a Sustainable Jersey grant. The School District of the Chathams is supportive of this program. Patricia Collington, also a member of the Environmental Commission, added that the compost generated by this composter would be used on school grounds, which would save the School District money. The Township would also receive Sustainable Jersey points if this program is implemented. Mrs. Collington also pointed out that composting the food waste would also reduce trash tonnage, which would reduce the trash removal costs.

Committeeman O'Connor moved to pass Resolution 2010-134. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

July Meeting Schedule

Mayor Hagner said that there are currently two meetings scheduled for July, and there was discussion of only having one meeting. The topic will be further addressed at the next meeting.

Summer Hours

Mayor Hagner said that for the past few years, the Township's administrative staff has had summer hours, whereby lunch periods are shortened from Monday through Thursday, and offices close at 1:00 PM on Friday. The Township Committee agreed that summer hours will begin the week of July 2nd, and will continue through Labor Day.

Hearing of Citizens/Petitions

Mayor Hagner opened the Hearing of Citizens.

1. Tomas Dinges, a reporter for the Star Ledger, introduced himself to the Township Committee.

Seeing no further comment, Mayor Hagner closed the Hearing of Citizens.

Executive Session

RESOLUTION 2010-P-05 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

BE IT RESOLVED by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

Personnel Matters

Possible Acquisition of Property

The matters discussed will be made known to the public at such time as appropriate action is taken on said matters, and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Chatham; provided such disclosure will not violate Federal, State or Local Statutes and does not fall within the attorney/client privilege.

Mayor Hagner announced that the Township Committee might be taking action after the Executive Session.

Committeeman O'Connor moved to pass Resolution 2010-P-05 to go into Executive Session at 9:30 P.M. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

The Township Committee returned from Executive Session at 10:11 P.M.

ORDINANCE 2010-11 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE ACQUISITION OF PROPERTY AT 547 SHUNPIKE ROAD, LOT 17.01, BLOCK 128, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM

WHEREAS, the Township of Chatham has been offered the opportunity to acquire premises at 547 Shunpike Road, known as Lot 17.01, Block 128 on the Tax Map of the Township of Chatham (the subject premises) from the current owners, Gloria E. Arcila and Luis F. Arcila; and

WHEREAS, the subject premises offered to the Township consists of approximately 0.52 acres, with a house, and is adjacent to municipally owned property and the Shunpike field recreation complex; and

WHEREAS, the acquisition of the subject premises will, with the demolition of the dwelling thereon, allow for the provision of additional parking for Shunpike Field which is currently undergoing renovation, and is a use that is included in the Master Plan of the Township for lands that connect existing public land and provide recreational use; and

WHEREAS, acquisition of the subject premises will provide additional parking for Shunpike Field and, thereby, advance the Master Plan and the Open Space Plan; and

WHEREAS, the owners are willing to convey the subject premises to the Township for the sum of \$390,000; and

WHEREAS, the Township desires to acquire title to the same contingent upon a fair market value appraisal, a satisfactory environmental evaluation, and the appropriation of funds in accordance with the laws of the State of New Jersey;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Township of Chatham hereby approves and authorizes the Mayor and Township Clerk to execute an agreement and such other documents as may be necessary to acquire the above described premises (approximately 0.52 acres) at 547 Shunpike Road, known as Lot 17.01, Block 128 on the Tax Map of the Township of Chatham, from Gloria E. Arcila and Luis F. Arcila.
2. The agreement shall also contain the following essential terms and conditions:
 - a. Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts.
 - b. The closing date shall be on or about August 31, 2010.
 - c. The closing shall be contingent upon the Township obtaining a fair market value appraisal and a satisfactory environmental evaluation..
 - d. The Township's obligation to close shall be subject to the appropriation of funds in accordance with the laws of the State of New Jersey.
3. The purchase price plus closing costs shall not exceed \$410,000.00.
4. This ordinance shall take effect in accordance with law.

Committeeman Gallop moved to introduce Ordinance 2010-11. Deputy Mayor Tubbs seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Absent; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Public Hearing for Ordinance 2010-11 will be scheduled for June 24, 2010.

Deputy Mayor Tubbs moved to adjourn at 10:12 PM. Committeeman O'Connor seconded the motion, and it carried unanimously.

Gregory J. LaConte
Deputy Municipal Clerk